

# EXHIBIT

# G

Declaration of Peter C. Salerno  
In Support of Defendant Yassin Kadi's Motion  
To Exclude the Testimony of Victor Comras

03 MDL 1570

July 31, 2023

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4 Case No. 03-MDL-1570 (GBD) (SN)

5 -----x.

6 IN RE: TERRORIST ATTACKS ON  
7 SEPTEMBER 11, 2001

8 -----x

9 July 7, 2021

10 9:06 a.m.

11 Videotaped Deposition via Zoom

12 of JIMMY GURULE, pursuant to Notice,  
13 before Jineen Pavesi, a Registered  
14 Professional Reporter, Registered Merit  
15 Reporter, Certified Realtime Reporter and  
16 Notary Public of the State of New York.

<p style="text-align: right;">Page 2</p> <p>1 2 A P P E A R A N C E S : 3 ANDERSON KILL P.C. 4 1251 Avenue of the Americas 5 New York, New York 10020 6 Attorneys for Plaintiff O'Neill and 7 Plaintiffs' Executive Committee 8 BY: JERRY S. GOLDMAN, ESQ. 9 jgoldman@andersonkill.com 10 11 MOTLEY RICE, LLC 12 28 Bridgeside Boulevard 13 Mount Pleasant, South Carolina 29465 14 Attorneys for Attorneys for 15 Plaintiffs in Burnett Case and 16 Plaintiffs' Executive Committee for 17 Personal Injury and Death Claims 18 BY: JOHN EUBANKS, ESQ. 19 jeubanks@motleyrice.com 20 ROBERT T. HAEFELE, ESQ. 21 rhaefe@motleyrice.com 22 23 KREINDLER &amp; KREINDLER, LLP 24 750 Third Avenue 25 New York, New York 10017 26 Attorneys for Plaintiffs' Executive 27 Committee 28 BY: ANDREW J. MALONEY, III, ESQ. 29 amaloney@kreindler.com 30 31 LEWIS BAACH KAUFMANN MIDDLEMISS PLLC 32 1101 New York Avenue NW, Suite 1000 33 Washington, DC 20005 34 Attorneys for Muslim World League and 35 International Islamic Relief 36 Organization, Dr. Abdullah Al Turki, 37 Dr. Adnan Basha, Dr. Abdullah Al 38 Obaid and Dr. Abdullah Naseef 39 BY: AISHA BEMBRY, ESQ. 40 aisha.bembry@lbkmlaw.com 41 WALEED NASSAR, ESQ. 42 waleed.nassar@lbkmlaw.com 43 44 45</p>	<p style="text-align: right;">Page 4</p> <p>1 2 S T I P U L A T I O N S 3 4 IT IS HEREBY STIPULATED AND AGREED by 5 and between the Attorneys for the 6 respective parties hereto that filing and 7 sealing be and the same are hereby waived. 8 IT IS FURTHER STIPULATED AND AGREED 9 that all objections except as to the form 10 of the question, shall be reserved to the 11 time of the trial. 12 IT IS FURTHER STIPULATED AND AGREED 13 that the within examination may be signed 14 and sworn to before any notary public with 15 the same force and effect as though signed 16 and sworn to before this Court. 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 2 A P P E A R A N C E S (Continued): 3 BERNABEI &amp; KABAT PLLC 4 1400 16th Street NW, Suite 500 5 Washington, DC 20009 6 Attorneys for Dr. Abdullah Al Turki, 7 Dr. Adnan Basha, Dr. Abdullah Al 8 Obaid and Dr. Abdullah Naseef 9 BY: ALAN KABAT, ESQ. 10 kabat@bernabeipllc.com 11 12 JONES DAY 13 51 Louisiana Avenue NW 14 Washington, DC 20001 15 Attorneys for Dubai Islamic Bank 16 BY: GABRIELLE PRITSKER, ESQ. 17 gpritsker@jonesday.com 18 ERIC SNYDER, ESQ. 19 esnyder@jonesday.com 20 21 OMAR T. MOHAMMEDI LLC 22 233 Broadway, Suite 820 23 New York, New York 10279-0815 24 Attorneys for World Assembly of 25 Muslim Youth 26 BY: JILL MANDELL, ESQ. 27 jmandell@otmlaw.com 28 29 SALERNO &amp; ROTHSTEIN 30 221 Schultz Hill Road 31 Pine Plains, New York 12567 32 Attorneys for Yassin Kadi 33 BY: AMY ROTHSTEIN, ESQ. 34 amyrothsteinlaw@gmail.com 35 36 ALSO PRESENT: 37 KEN WILLIAMSON, The Video Technician 38 MICHAEL TOTH, Veritext Concierge Tech 39 40 41</p>	<p style="text-align: right;">Page 5</p> <p>1 2 THE VIDEO TECHNICIAN: Good 3 morning, we're on the record at 9:06 a.m. 4 on July 7, 2021. 5 This is media unit 1 of the 6 video recorded deposition of Professor 7 Jimmy Gurule taken by counsel for 8 defendant In re Terrorist Attacks on 9 September 11, 2021, filed in the U.S. 10 District Court, Southern District of New 11 York, Case No. 03-MDL-1570 (GBD) (SN). 12 This deposition is being held 13 on-line as a zoom video conference with 14 all parties appearing remotely. 15 My name is Thomas Devine from 16 the firm Veritext New York and I am the 17 videographer; the court reporter is Jineen 18 Pavesi, also with Veritext New York. 19 I am not authorized to 20 administer an oath, I am not related to 21 any party in this action, nor am I 22 financially interested in the outcome. 23 Counsel appearing remotely will 24 have their appearances noted on the 25 stenographic record.</p>

<p style="text-align: right;">Page 6</p> <p>1</p> <p>2 MS. BEMBRY: Good morning, my</p> <p>3 name is Aisha Bembry with the law firm of</p> <p>4 Lewis Baach Kaufmann Middlemiss and I</p> <p>5 represent defendants Muslim World League</p> <p>6 and International Islamic Relief</p> <p>7 Organization and a number of former</p> <p>8 secretary generals of those two charities.</p> <p>9 MR. EUBANKS: My name is John</p> <p>10 Eubanks, I am representing plaintiffs in</p> <p>11 the Burnett action, but also on behalf of</p> <p>12 the Plaintiffs Executive Committees today</p> <p>13 defending the witness.</p> <p>14 JIMMY GURULE,</p> <p>15 having first been duly sworn by a Notary</p> <p>16 Public of the State of New York, was</p> <p>17 examined and testified as follows:</p> <p>18 EXAMINATION BY</p> <p>19 MS. BEMBRY:</p> <p>20 Q. Good morning again, Professor</p> <p>21 Gurule, how are you this morning?</p> <p>22 A. I'm fine, how are you.</p> <p>23 Q. Good, thanks.</p> <p>24 Can you state your full name</p> <p>25 for the record, please.</p>	<p style="text-align: right;">Page 8</p> <p>1 GURULE</p> <p>2 clarify or let me know that you don't</p> <p>3 understand the question, I would</p> <p>4 appreciate that, is that okay?</p> <p>5 A. Yes, I will do that.</p> <p>6 Q. So if you answer a question, is</p> <p>7 it understood that you understood the</p> <p>8 question that I asked, is that fair to</p> <p>9 say?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 Did you take any medication</p> <p>13 today that would impact your ability to</p> <p>14 provide truthful testimony here today?</p> <p>15 A. No.</p> <p>16 Q. And where are you presently</p> <p>17 located?</p> <p>18 A. I'm located in South Bend,</p> <p>19 Indiana, on the campus of Notre Dame Law</p> <p>20 School.</p> <p>21 Q. Are you in your office?</p> <p>22 A. Yes.</p> <p>23 Q. Is anyone in your office with</p> <p>24 you?</p> <p>25 A. Yes, Ed Marshall is in the</p>
<p style="text-align: right;">Page 7</p> <p>1 GURULE</p> <p>2 A. My name is Jimmy, J-I-M-M-Y,</p> <p>3 Gurule, G-U-R-U-L-E.</p> <p>4 Q. And I asked before we got on</p> <p>5 the record, is it okay if I refer to you</p> <p>6 as Professor Gurule?</p> <p>7 A. Yes.</p> <p>8 Q. Okay, thank you.</p> <p>9 You've been deposed before, is</p> <p>10 that right?</p> <p>11 A. Yes.</p> <p>12 Q. So I just want to, since you</p> <p>13 have been through this before, I just want</p> <p>14 to go through a few things.</p> <p>15 As you know, I'll be asking you</p> <p>16 a number of questions today; I would just</p> <p>17 ask that before you answer my question,</p> <p>18 that you just let me finish asking my</p> <p>19 question, is that okay with you?</p> <p>20 A. Certainly.</p> <p>21 Q. And likewise, I will try to</p> <p>22 remember to let you finish your answer</p> <p>23 before I move on to the next question.</p> <p>24 And if you don't understand a</p> <p>25 question I ask, if you could ask me to</p>	<p style="text-align: right;">Page 9</p> <p>1 GURULE</p> <p>2 office, he is one of our IT staff and I</p> <p>3 had asked him if he would stay in the room</p> <p>4 just to make sure that there are no</p> <p>5 technical difficulties.</p> <p>6 I was particularly concerned</p> <p>7 about viewing any exhibits and making sure</p> <p>8 that there were no glitches or problems in</p> <p>9 being able to do that.</p> <p>10 Q. Is he assisting you in any way</p> <p>11 in terms of the substance of your</p> <p>12 testimony?</p> <p>13 A. Oh, no, not at all.</p> <p>14 Q. Do you have a copy of your</p> <p>15 report in front of you?</p> <p>16 A. I do have a copy, yes.</p> <p>17 Q. Do you have any other documents</p> <p>18 there in front of you?</p> <p>19 A. There are other documents, not</p> <p>20 in front of me, no; I have documents on my</p> <p>21 desk, but not in front of me.</p> <p>22 Q. Any other documents that you're</p> <p>23 planning to use for purposes of your</p> <p>24 deposition today?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 30</p> <p>1 GURULE</p> <p>2 any experience relating specifically to</p> <p>3 the area of economic sanctions or</p> <p>4 terrorism financing?</p> <p>5 A. No.</p> <p>6 Q. You were sworn into the office</p> <p>7 as under secretary of Enforcement at the</p> <p>8 U.S. Department of Treasury in 2001, is</p> <p>9 that correct?</p> <p>10 A. Yes.</p> <p>11 Q. And I understand from your</p> <p>12 report and reading some of your writings</p> <p>13 that there is quite a bit of</p> <p>14 responsibility that comes along with that</p> <p>15 position.</p> <p>16 Can you detail for me briefly</p> <p>17 the various responsibilities that you had</p> <p>18 and the different Federal law enforcement</p> <p>19 agencies over which you had oversight.</p> <p>20 A. At the time the under secretary</p> <p>21 for Enforcement, and me specifically, had</p> <p>22 responsibility for several major Treasury</p> <p>23 Department law enforcement agencies,</p> <p>24 including the U.S. Customs Service, U.S.</p> <p>25 Secret Service and Bureau of Alcohol,</p>	<p style="text-align: right;">Page 32</p> <p>1 GURULE</p> <p>2 laundering based upon my work at the U.S.</p> <p>3 Attorney's Office in Los Angeles, so I</p> <p>4 thought that this would be an opportunity</p> <p>5 for me to continue that interest and work</p> <p>6 on a much broader national scale.</p> <p>7 And so I went into the position</p> <p>8 thinking that that was going to be my</p> <p>9 priority, you know, that was going to be</p> <p>10 the top priority that I was going to be</p> <p>11 focusing on, but of course the events of</p> <p>12 9/11/2001 changed that, changed those</p> <p>13 plans dramatically.</p> <p>14 Q. How did it change it, in what</p> <p>15 respect?</p> <p>16 A. Well, after the 9/11 attacks,</p> <p>17 President George W. Bush declared that the</p> <p>18 U.S. was now engaged in the global war on</p> <p>19 terrorism and he stated in one or more of</p> <p>20 his public addresses that this global war</p> <p>21 on terrorism was going to implicate, was</p> <p>22 going to involve, all of the levers of</p> <p>23 Federal power, including law enforcement,</p> <p>24 again to prosecute the terrorists that</p> <p>25 were responsible for the 9/11 attacks, you</p>
<p style="text-align: right;">Page 31</p> <p>1 GURULE</p> <p>2 Tobacco and Firearms, Office of Foreign</p> <p>3 Assets Control, Financial Crimes</p> <p>4 Enforcement Network or FinCEN, the Foreign</p> <p>5 Law Enforcement, Federal Law Enforcement</p> <p>6 Training Center and Executive Office of</p> <p>7 Asset Forfeiture.</p> <p>8 Q. Anything else?</p> <p>9 A. No, that was plenty.</p> <p>10 Q. And I read that when you took</p> <p>11 the position, you assumed you would be</p> <p>12 spending most of your time focusing</p> <p>13 largely on anti-money laundering, is that</p> <p>14 right?</p> <p>15 A. That's correct.</p> <p>16 Q. What did you mean by that?</p> <p>17 A. Well, I knew when I assumed the</p> <p>18 position, I knew that the Treasury</p> <p>19 Department had responsibility for</p> <p>20 developing and publishing the National</p> <p>21 Money Laundering Strategy, so it was the</p> <p>22 Federal government's, so to speak,</p> <p>23 framework for preventing money laundering.</p> <p>24 And as I stated earlier, I had</p> <p>25 a very -- I had an interest in money</p>	<p style="text-align: right;">Page 33</p> <p>1 GURULE</p> <p>2 know, diplomacy through the State</p> <p>3 Department, but also the financing of</p> <p>4 terrorism through the Treasury Department.</p> <p>5 And that became my primary</p> <p>6 responsibility, to develop the U.S.</p> <p>7 government's or to assist in developing</p> <p>8 the U.S. government's first anti-terrorist</p> <p>9 financing strategy and to use these vast</p> <p>10 resources that I was responsible for</p> <p>11 overseeing, including OFAC and FinCEN and</p> <p>12 the Secret Service, to develop that plan</p> <p>13 and to implement that plan.</p> <p>14 Q. Would you agree that the work</p> <p>15 and experience that you had in terms of</p> <p>16 anti-money laundering and what you were</p> <p>17 envisioning as you were coming into the</p> <p>18 Treasury, the work that you then largely</p> <p>19 focused on, which you referenced as</p> <p>20 anti-terrorism financing, that those were</p> <p>21 different?</p> <p>22 A. They're different but related.</p> <p>23 Q. How so?</p> <p>24 A. Well, you know, money</p> <p>25 laundering is -- involves the process of</p>

<p style="text-align: right;">Page 82</p> <p>1 GURULE</p> <p>2 Q. And you determined that you did</p> <p>3 not need them in order to form the</p> <p>4 opinions that you are offering in this</p> <p>5 case, is that correct?</p> <p>6 A. I don't know that I consciously</p> <p>7 made that determination at all.</p> <p>8 I just was asked to opine on</p> <p>9 three issues and these are the materials</p> <p>10 that I relied upon in expressing the</p> <p>11 opinions on what I had been asked to</p> <p>12 render an expert opinion on.</p> <p>13 Q. And you weren't given any</p> <p>14 documents produced by the defendants in</p> <p>15 this case, is that right?</p> <p>16 A. Documents, no.</p> <p>17 Q. And you didn't ask for any in</p> <p>18 terms of forming your opinions in this</p> <p>19 case, is that right?</p> <p>20 A. That's correct.</p> <p>21 Q. Did you consider -- strike</p> <p>22 that.</p> <p>23 In forming the opinions that</p> <p>24 you offer in your report dated February</p> <p>25 1st, 2021, and marked as Exhibit 2032, you</p>	<p style="text-align: right;">Page 84</p> <p>1 GURULE</p> <p>2 innocence of any individual or entity, is</p> <p>3 that right?</p> <p>4 A. Yes.</p> <p>5 Q. It's not a criminal or a civil</p> <p>6 action?</p> <p>7 A. That's correct.</p> <p>8 Q. There is no requirement that</p> <p>9 the government establish the existence of</p> <p>10 evidence that an actual act of terrorism</p> <p>11 was committed by any individual or entity</p> <p>12 that is being considered for designation</p> <p>13 pursuant to Executive Order 13224?</p> <p>14 A. Yes.</p> <p>15 Q. And there is no requirement</p> <p>16 that the government have to demonstrate</p> <p>17 that an individual that's being considered</p> <p>18 for designation under Executive Order</p> <p>19 13224 actually intended to support</p> <p>20 terrorism in any way, is that correct?</p> <p>21 A. That's correct.</p> <p>22 I mean, the designation again</p> <p>23 falls within the scope of Executive Order</p> <p>24 13224.</p> <p>25 Q. And that's a fairly broad</p>
<p style="text-align: right;">Page 83</p> <p>1 GURULE</p> <p>2 did not consider any underlying evidence</p> <p>3 pertaining to any specific SDGT</p> <p>4 designation made pursuant to Executive</p> <p>5 Order 13224, is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. In forming your opinions that</p> <p>8 are offered in your expert opinion dated</p> <p>9 February 1st, 2021, and marked as Exhibit</p> <p>10 2032, you did not consider any underlying</p> <p>11 evidence pertaining to any specific</p> <p>12 designation made pursuant to U.N.</p> <p>13 Resolution 1267, is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. You have your report in front</p> <p>16 of you.</p> <p>17 MS. BEMBRY: We can take down</p> <p>18 Exhibit 2033.</p> <p>19 Q. You note on page 6 of your</p> <p>20 report that designation as an SDGT is an</p> <p>21 administrative rather than a criminal</p> <p>22 action, is that right?</p> <p>23 A. Yes.</p> <p>24 Q. And that means that it's not an</p> <p>25 adjudication process of the guilt or</p>	<p style="text-align: right;">Page 85</p> <p>1 GURULE</p> <p>2 order, is that right?</p> <p>3 A. That's right, yes.</p> <p>4 Q. And the idea of it, the</p> <p>5 ultimate goal, is one that is</p> <p>6 preventative, that is, to prevent the use</p> <p>7 of funds to fuel or further terrorist</p> <p>8 attacks, is that right?</p> <p>9 A. Yes.</p> <p>10 Q. And it is to save lives?</p> <p>11 A. Yes.</p> <p>12 Q. And an individual can be</p> <p>13 designated if there is reason to believe</p> <p>14 that that entity poses a significant risk</p> <p>15 for committing acts of terrorism, is that</p> <p>16 right?</p> <p>17 A. That's one basis for</p> <p>18 designation.</p> <p>19 Q. And there is no requirement of</p> <p>20 evidence that the individual actually</p> <p>21 committed an act of terrorism, right, it's</p> <p>22 the posing a significant risk, do I have</p> <p>23 that correct?</p> <p>24 A. Well, you can be designated if</p> <p>25 you actually, if the individual has</p>

<p style="text-align: right;">Page 86</p> <p>1 GURULE</p> <p>2 actually committed an act of terrorism,</p> <p>3 but the individual could also be</p> <p>4 designated if he or she poses a threat of</p> <p>5 committing acts of terrorism that threaten</p> <p>6 national security.</p> <p>7 Q. You note in your report, and I</p> <p>8 refer you to page 4 if you want to look at</p> <p>9 it, at page 4 you note that, second full</p> <p>10 paragraph, towards the end of that second</p> <p>11 full paragraph, "Publicly designating</p> <p>12 individuals and organizations for asset</p> <p>13 freeze 'notifies the U.S. public and the</p> <p>14 world that these parties are either</p> <p>15 actively engaged in or supporting</p> <p>16 terrorism or that they are being used by</p> <p>17 terrorists and their organizations'."</p> <p>18 Did I read that correctly?</p> <p>19 A. Yes.</p> <p>20 Q. What did you mean by being used</p> <p>21 by terrorists and their organizations,</p> <p>22 what did you mean by that?</p> <p>23 MR. EUBANKS: Objection to</p> <p>24 form, mischaracterization.</p> <p>25 A. First of all, it is a quote, it</p>	<p style="text-align: right;">Page 88</p> <p>1 GURULE</p> <p>2 could be doing it intentionally,</p> <p>3 knowingly, willfully, or inadvertently,</p> <p>4 unknowingly.</p> <p>5 Q. And the idea is that Executive</p> <p>6 Order seeks to cast a wide net so as to</p> <p>7 disrupt the channels of terrorist</p> <p>8 financing to save lives, is that fair to</p> <p>9 say?</p> <p>10 A. Yes.</p> <p>11 Q. You state on page 6, and this</p> <p>12 is under the section SDGT Designation</p> <p>13 Process, this is the third sentence under</p> <p>14 that section, "First, OFAC collects</p> <p>15 evidence to support the SDGT designation."</p> <p>16 Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. Do you mean by that to say that</p> <p>19 the first step in the process is to look</p> <p>20 for evidence or, rather, collect evidence,</p> <p>21 I'm trying to distinguish that between</p> <p>22 identifying an individual who might be</p> <p>23 subject to Executive Order 13224 and so I</p> <p>24 would like to understand, in making this</p> <p>25 statement, are you saying that the first</p>
<p style="text-align: right;">Page 87</p> <p>1 GURULE</p> <p>2 is a quote from the Terrorist Assets</p> <p>3 Report, 18th annual report to Congress on</p> <p>4 the assets, on assets in the United States</p> <p>5 of terrorist countries, international</p> <p>6 terrorists, terrorist program designees,</p> <p>7 2008, 2009, and so I'm quoting from the</p> <p>8 Treasury Department report.</p> <p>9 And so for me it could be that</p> <p>10 these individuals are providing, either</p> <p>11 knowingly or unknowingly, financial</p> <p>12 assistance or other support to terrorist</p> <p>13 or terrorist organizations.</p> <p>14 Q. So your understanding is that</p> <p>15 an individual who may be unknowingly</p> <p>16 providing or financing terrorist activity</p> <p>17 could be subject to designation under</p> <p>18 Executive Order 13224, is that right?</p> <p>19 A. Yes.</p> <p>20 Q. And by the same token, an</p> <p>21 individual who may be unwittingly</p> <p>22 financing terrorism activity could be</p> <p>23 subject to designation under Executive</p> <p>24 Order 13224, is that fair to say?</p> <p>25 A. Yes; so it's both, someone</p>	<p style="text-align: right;">Page 89</p> <p>1 GURULE</p> <p>2 step is not the identification of an</p> <p>3 individual?</p> <p>4 A. No, I think it would be the</p> <p>5 identification of an individual, but then</p> <p>6 the question is, I mean, we need to move</p> <p>7 beyond or OFAC would need to move beyond a</p> <p>8 suspicion, suspicion that someone is</p> <p>9 providing financial assistance or</p> <p>10 financial support to a terrorist, to</p> <p>11 whether there's a reasonable basis for</p> <p>12 believing that that individual falls</p> <p>13 within the scope of Executive Order 13224</p> <p>14 for designation.</p> <p>15 And so the starting point of</p> <p>16 determining whether or not there is</p> <p>17 sufficient basis, reasonable basis,</p> <p>18 involves the collection of information.</p> <p>19 So we move from suspicion to</p> <p>20 reasonable basis and we get to reasonable</p> <p>21 basis based upon the collection of</p> <p>22 additional evidence.</p> <p>23 Q. Where does that standard come</p> <p>24 from, you said reasonable basis, what's</p> <p>25 the basis of that phrase, reasonable</p>



<p style="text-align: right;">Page 90</p> <p>1 GURULE</p> <p>2 basis?</p> <p>3 A. So neither IEEPA or the</p> <p>4 Executive Order articulates a specific</p> <p>5 legal standard for designation and so the</p> <p>6 IEEPA statutes are silent on the matter,</p> <p>7 the Executive Order is silent on the</p> <p>8 matter.</p> <p>9 And so I think Congress</p> <p>10 intended, I don't know if this was</p> <p>11 intentional or not, but could be that</p> <p>12 Congress intended to keep this kind of</p> <p>13 broad and provide flexibility to the</p> <p>14 executive branch, to the Treasury</p> <p>15 Department, in making the designation.</p> <p>16 We know a couple of things, as</p> <p>17 you stated; we know that it's not a</p> <p>18 criminal determination, you know, so it's</p> <p>19 not a finding of criminal guilt and so</p> <p>20 therefore the standard of beyond a</p> <p>21 reasonable doubt would not be applicable.</p> <p>22 And it's not a civil</p> <p>23 determination, a civil judgment, you know,</p> <p>24 finding of liability, and so therefore the</p> <p>25 preponderance of the evidence standard</p>	<p style="text-align: right;">Page 92</p> <p>1 GURULE</p> <p>2 A. Yeah, it's difficult, you know,</p> <p>3 it's difficult to quantify it, to quantify</p> <p>4 it, but I would say this; reasonable, you</p> <p>5 know, the use of the word reasonable</p> <p>6 suggests an objective basis, so it's not</p> <p>7 just subjectively, a subjective</p> <p>8 determination, that someone falls within</p> <p>9 the scope of Executive Order 13224.</p> <p>10 Instead there has to be</p> <p>11 objective criteria and objective reason</p> <p>12 for concluding that, you know, that the</p> <p>13 person falls within the scope of the</p> <p>14 Executive Order, so it's objective, it is</p> <p>15 an objective standard, not a subjective</p> <p>16 standard, and reasonable basis, you know,</p> <p>17 captures that objective nature of the</p> <p>18 standard.</p> <p>19 Q. And what's your basis for</p> <p>20 saying that it is an objective reasonable</p> <p>21 standard?</p> <p>22 A. The use of the word reasonable.</p> <p>23 You know, whenever you see</p> <p>24 reasonable, you know, in a legal standard,</p> <p>25 reasonable, you know, suggests, implies,</p>
<p style="text-align: right;">Page 91</p> <p>1 GURULE</p> <p>2 would not apply, it is an administrative</p> <p>3 determination.</p> <p>4 And so it's someplace in</p> <p>5 between; so the standard that was used was</p> <p>6 reasonable basis.</p> <p>7 Q. When you say someplace in</p> <p>8 between, in between what?</p> <p>9 A. Well, in between the heightened</p> <p>10 standard, we have this very high standard</p> <p>11 in the criminal context of beyond a</p> <p>12 reasonable doubt, and we have a lower</p> <p>13 standard in the civil context, in civil</p> <p>14 litigation, of preponderance of the</p> <p>15 evidence, and the administrative</p> <p>16 designation under the Executive Order is</p> <p>17 neither criminal nor civil, it is</p> <p>18 administrative and so a different standard</p> <p>19 is applicable.</p> <p>20 And reasonable basis tries to</p> <p>21 capture that different standard that is</p> <p>22 required.</p> <p>23 Q. Is it fair to say that a</p> <p>24 reasonable basis is a standard lower than</p> <p>25 the preponderance of the evidence?</p>	<p style="text-align: right;">Page 93</p> <p>1 GURULE</p> <p>2 an objective determination.</p> <p>3 So it's a distinction between,</p> <p>4 you know, subjective, you know, subjective</p> <p>5 belief versus a reasonable belief.</p> <p>6 So subjective belief is just I</p> <p>7 believe it, but my belief may not be</p> <p>8 reasonable, there may not be some</p> <p>9 objective reason to support my personal</p> <p>10 belief, and if that's the case, that's a</p> <p>11 subjective belief, that's not Executive</p> <p>12 Order 13224.</p> <p>13 Executive Order 13224 does not</p> <p>14 implicate a subjective, purely subjective,</p> <p>15 determination or a subjective belief,</p> <p>16 there must be some objective reason,</p> <p>17 objective criteria, objective basis, for</p> <p>18 determining that the individual or entity</p> <p>19 falls within the scope of the Executive</p> <p>20 Order.</p> <p>21 Q. And is that basis, the</p> <p>22 objective basis that you're talking about,</p> <p>23 is that identified and defined in</p> <p>24 Executive Order 13224?</p> <p>25 A. No, it's not, nor in IEEPA,</p>